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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/771,751	01/29/2001	Masayuki Chatani	375.16.01	375.16.01 8559		
25920	7590 06/05/2006		EXAMINER			
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE			LIN, KE	LIN, KENNY S		
SUITE 200	AT DRIVE		ART UNIT	PAPER NUMBER		
SUNNYVALE, CA 94085			2152			
			DATE MAILED: 06/05/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)
09/771,751	CHATANI, MASAYUKI
Examiner	Art Unit
Kenny Lin	2152

	Kenny Lin	2152	
The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress
THE REPLY FILED 02 May 2006 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR A	LLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliant time periods:	the same day as filing a Notice of wing replies: (1) an amendment, at tice of Appeal (with appeal fee) in	f Appeal. To avoid aba ffidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
 a)	Advisory Action, or (2) the date set forth		
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	(b). ONLY CHECK BOX (b) WHEN TH		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply origon r than three months after the mailing d	t of the fee. The appropr ginally set in the final Offi	iate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	nsion thereof (37 CFR 41.37(e)), t	o avoid dismissal of th	
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brie	f will not be entered b	ecance
(a) They raise new issues that would require further co	nsideration and/or search (see NC		ecause
(b) They raise the issue of new matter (see NOTE belo (c) They are not deemed to place the application in be		educing or simplifying	the issues for
appeal; and/or (d) They present additional claims without canceling a		ejected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).			(570) 004)
 The amendments are not in compliance with 37 CFR 1.1 Applicant's reply has overcome the following rejection(s) 		ompliant Amendment	(PTOL-324).
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 	llowable if submitted in a separate	, timely filed amendme	ent canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		rill be entered and an	explanation of
Claim(s) allowed: none.			
Claim(s) objected to: <u>none</u> .			
Claim(s) rejected: <u>1-24 and 26</u> . Claim(s) withdrawn from consideration: <u>none</u> .			
AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 	ut before or on the date of filing a N d sufficient reasons why the affida	Notice of Appeal will <u>ne</u> vit or other evidence i	ot be entered s necessary and
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar 	overcome <u>all</u> rejections under appe	eal and/or appellant fa	ils to provide a
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after	entry is below or attac	hed.
 The request for reconsideration has been considered by see attached sheet. 	ut does NOT place the application	in condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08 or PTO-1449) Paper	No(s)	_ \
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BUNJOB JAROENCHONWANIT SUPERVISORY PATENT EXAMINER

Art Unit: 2152

Advisory Action

Although applicant intended to over come the double patenting rejection with a terminal disclaimer, the terminal disclaimer is not enclosed with the after final response. The claims stand rejected under non-statutory obviousness-type double patenting rejection. Applicant is reminded to submit the terminal disclaimer.

In the remark, applicant argued: (1) Landsmand teach pushing advertisements to the user for later play, not playing of certain auxiliary content during downloading of predetermined primary content as claimed.

Examiner traverse the argument that:

As to point (1), Landsman clearly disclosed in column 4, lines 38-47 that "the advertisements are downloaded, either directly or via a server, from a remote computer and locally stored on each such terminal (e.g. auxiliary content stored in a local storage prior to downloading of primary content) and subsequently displayed on that terminal while it waits for a response, from a remote mainframe transaction server, to a transaction initiated at that terminal. Generally speaking and with specific reference to web advertising, interstitial ads are displayed in an interval of time that occurs after a user has clicked on a hot-link displayed by a browser to retrieve a desired web page (e.g. client request to download management server to download the primary content) but before that browser has started rendering that page (e.g. auxiliary content played before the browser has complete downloading web page contents).

Landsman disclosed further in detail regarding interstitial advertising in column 4, line 47 to column 5, line 5. Such teaching of interstitial advertising clearly read on the claimed language of playing auxiliary contents (e.g. advertisements) while downloading primary content (web pages). Nowhere in the claim claimed that the auxiliary content is played during the downloading process of said auxiliary content (i.e. real-time streaming). Claim 19 further claimed to access a local storage to play the auxiliary content while downloading primary content from a server. This clearly is identical to the interstitial advertising method disclosed by Landsman to first store advertisements locally and play it while retrieving a desired web page.